

Our app and our mission was set to die at the hands of Apple unless our infant company came up with hundreds of thousands of dollars to reconfigure our service delivery while losing 30% of associated revenue—and we are not alone.

It doesn't matter if you are a startup or an established company: When it comes to the digital economy, you depend on Apple and Google to stay alive because they control your access to your customers. They are the gatekeepers of your information.

Now, the Open App Markets Act made it out of committee and almost unanimously received that vote—as I said, 20 to 2. Republicans and Democrats agree that this is not the way a healthy marketplace should be working. That is why we got that near-unanimous vote.

This bill needs a vote because it will set the fair, clear, and enforceable rules needed to protect the competition. It will force Big Tech to allow third-party apps and app stores on their devices. App store owners won't be able to lock developers into in-app payment arrangements anymore, which opens the door to competitive pricing. Developers will also be able to keep their confidential business information private. Imagine having to share your information—somebody else controls it—and they use your business information to compete against you. Most importantly, the developers will be able to communicate with their customers, which for any business owner is key to creating a strong product or service.

I think it has become clear that the American people know how much Big Tech is controlling their lives, but they are no longer content to sit by and let these companies consolidate power, especially at the expense of freedom and basic human rights.

Over the past few weeks, we have watched the Chinese people revolt against Xi Jinping's "zero-COVID" lockdowns. Much of the coverage has come to us via apps we have downloaded on our phone. But for the protesters in China, their use of tech is a double-edged sword.

We know the Chinese Communist Party is using apps and other forms of technology to identify and surveil and ultimately punish the protesters in China. People are being tracked via their virtual private networks and through apps like Signal and Telegram.

For activists with iPhones, their options are now even more limited. Before the protests boiled over, Apple made the unforgivable choice to disable the AirDrop feature in China only. That is right—the only place on the face of the Earth that Apple decided to disable AirDrop was in China, just prior to the protests.

This feature was an activist's best friend because it allowed one person to share files with an entire local network with no way for the government to come in and monitor what they were sending. It was a game changer, and Apple decided to flip the switch.

When reporters asked Apple's CEO Tim Cook last week if he supported the protesters in China, he refused to answer. Now, I agree, this is incomprehensible—until you remember that China is Apple's largest market outside of the United States, and it is a major source for Apple's supply chain. In fact, both Apple and Google have a long history of giving authoritarian governments everything that they ask for. Last fall, both companies acted on Moscow's orders and removed an app designed to coordinate protest voting in the Russian elections.

My colleagues may remember the scandal that was the 2022 Beijing Winter Olympic's app. The Chinese Communist Party forced all the athletes and coaches and spectators to use this app. They didn't have a choice. Both Apple and Google listed it on their phones even though they knew the CCP was using it to spy on their customers.

This isn't mere gatekeeping; this is picking winners and losers in an environment where the losers could end up dead because of the decisions these companies are making.

When I first started working on this bill with Senator BLUMENTHAL, I received letters from several human rights organizations thanking me for paying attention to how these companies were using their power. We know that Apple has plans to move some of their production out of China, so perhaps some day, the Chinese Communist Party will have less of a stranglehold on free communication around the world. But I would remind my colleagues that moving the chess pieces of production, while vitally important, does not fully address the problem we are trying to solve with the Open App Markets Act. Think of everything that happened before Apple decided to speed up this transition. We don't have time to put this bill on a shelf while China and Big Tech work out their differences.

The digital marketplace is no longer a novelty; it is an essential service that billions of people rely on. In 2020, U.S. consumers spent nearly \$33 billion in mobile app stores and downloaded more than 13.4 billion apps. Two companies exclusively dictate the terms of that market. They have certainly made it clear that their power comes first, their profits are more important, and the customers are at the end of the list. They are last on the list of concerns.

Every day, I hear from Tennesseans who have realized just how little control they have over their mobile device. They live half of their lives on their device, and they are no longer comfortable letting Apple and Google dictate the terms of their interactions with the rest of the world.

We shouldn't be comfortable with allowing that to continue. I would encourage my colleagues to join with Senator BLUMENTHAL and with me and support this legislation. Let's get it passed and to the President's desk.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1238.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jeffery Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio.

#### CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1238, Jeffery Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Michael F. Bennet, Brian Schatz, Robert P. Casey, Jr., Mazie Hirono, Chris Van Hollen, Jacky Rosen, Margaret Wood Hassan, Sherrod Brown, Amy Klobuchar, Tina Smith, Debbie Stabenow, Elizabeth Warren, Kirsten E. Gillibrand, Tammy Duckworth.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1183.